

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF AN APPLICATION OF
LINCOLN COUNTY, COLORADO SEEKING AN
ORDER FOR EXEMPTION FROM VISUAL
IMPACT MITIGATION REQUIREMENTS OF
RULE 804

CAUSE NO.

DOCKET NO.

Lincoln County, Colorado ("Applicant"), by and through undersigned counsel, hereby files this Application with the Oil and Gas Conservation Commission of the State of Colorado ("Commission") for an order seeking exemption from the requirements of Commission Rule 804, Visual Impact Mitigation, and in support of its Application states and alleges as follows:

1. Production facilities associated with oil and gas operations are located within the Applicant's boundaries in the State of Colorado.
2. Rule 801 of the Commission permits any Colorado county, home rule or statutory city, town, territorial charter city, or city and county to apply to the Commission for an exemption from any or all of the rules and regulations in the 800-Series of the Commission's Rules for all or a portion of the lands within its boundaries.
3. Applicant seeks an exemption from Rule 804, Visual Impact Mitigation, for all or a portion of the lands within its boundaries as described below:

All lands within Applicant's boundaries (hereinafter "Application Lands")

4. Rule 804 requires that production facilities, regardless of construction date, that are observable from any public highway must be painted by September 1, 2010 with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to, but slightly darker than, the surrounding landscape.
5. Applicant believes that enforcement of Rule 804 is not necessary for the protection of public health, safety and welfare, or the environment on the Application Lands and thus the Application Lands should be exempted from this rule for the following reasons:
 - a) The county is not densely populated, so aesthetics of the tanks and other production facilities are not a concern.
6. The names and addresses of the interested parties, according to the information and belief of the Applicant, are set forth in Exhibit A attached hereto and made a

part hereof. [Interested parties in this case are likely to be the surface owner and the operator where the production facilities are located.]

7. Applicant requests the Commission to set the Application for hearing and designate the Application Lands as exempt from Rule 804.

DATED this 16th day of July 2010.

Respectfully submitted,

ATTORNEY FOR LINCOLN COUNTY

By: _____

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VERIFICATION

I, Steve Burgess, Chairman of the Board of Lincoln County Commissioners, hereby certifies that the facts asserted in this Application are true and correct to the best of my personal knowledge.

Steve Burgess

STATE OF COLORADO)
) ss:
County of Lincoln)

SUBSCRIBED AND SWORN to before me this 16th day of July 2010, by Steve Burgess.

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **APPLICATION FOR AN ORDER SEEKING EXEMPTION FROM RULE 804, VISUAL IMPACT MITIGATION**, has been mailed this 19th day of July, 2010 to the following entities that require notice of such filing:

None

Roxie Devers, Lincoln County Administrator

EXHIBIT “A”

None